

Jeffrey A. Bowersox
Bowersox Law Firm, P.C.
111 S.W. Columbia St., Suite 1000
Portland, OR 97201
(503) 452-5858
Fax: (503) 525-4833

Attorney for Plaintiff

IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: BEXTRA AND CELEBREX
MARKETING AND SALES PRACTICES
AND PRODUCT LIABILITY LITIGATION

CASE NO. 3:06-cv-02682-CRB

MDL NO. 1699

JUDGE CHARLES R. BREYER

MARY COOLEY, et al.

Plaintiff,

v.

PFIZER, INC., et al.,

Defendants.

**STIPULATION AND ORDER OF
DISMISSAL WITH PREJUDICE AND
WITHOUT COSTS AS TO CASE
NUMBER 06-02682 CRB, ORIGINALLY
FILED IN THE US DISTRICT COURT,
EASTERN DISTRICT OF LOUISIANA**

STIPULATION AND ORDER OF PARTIAL DISMISSAL WITHOUT PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between the following specific Plaintiff Mary Cooley ("Plaintiff") and Defendant Pfizer, Inc., Pharmacia Corporation ("Pfizer"), pursuant to a dismissal without prejudice of the following Plaintiff's claims which were filed in a multi-plaintiff Complaint against Defendant:

1. Mary Cooley

This Stipulation and Order, however, is a partial dismissal in that it does not affect any claims, counterclaims and issues by and between Defendant and the remaining Plaintiffs.

Specifically, the parties hereby stipulate and agree as follows:

1. Plaintiff Mary Cooley dismisses her causes of action, which were filed within the Multi-Plaintiff Complaint, without prejudice.

2. This dismissal is voluntary and not on the merits. Plaintiff certifies that no other causes of action based on these claims have been previously dismissed in any Federal or State court.

3. Plaintiff agrees that in the event she re-files a lawsuit against Pfizer that contains claims relating to Bextra® and/or Celebrex®, such lawsuits will be filed in a United States District Court;

4. Plaintiff further agrees that in the event she re-files such lawsuits, any discovery that has taken place or will take place in *In Re Bextra and Celebrex Marketing, Sales Practices, and Products Liability Litigation* (MDL-1699), the MDL proceeding that has been established in the United States District Court for the Northern District of California, and that is not specific to a particular plaintiff, can be used in any such lawsuit re-filed by Plaintiff, as though Plaintiff had been party and had an opportunity to participate in that discovery.

5. Each party will bear their own fees, expenses and costs.

Plaintiff and Defendant agree to the above-stated conditions and the specific Plaintiff wishes to dismiss her claims in the instant lawsuit without prejudice, subject to the conditions stated above.

WHEREFORE, the parties hereto stipulate to the dismissal of the claim of Plaintiff Mary Cooley in the above-styled lawsuit without prejudice to re-filing, subject to the conditions stated above.

Respectfully submitted:

Dated: 3-23-07

By: 

~~Mary Cooley~~

Dated: 3-26-07

By: 

Jeffrey A. Bowersox, OSB # 81442

Email: Jeffrey@BjEpc.com

BOWERSOX LAW FIRM, P.C.

620 SW Fifth Avenue, Suite 1125

Portland, Oregon 97204

Telephone: (503) 452-5858

Facsimile: (503) 248-0200

Daniel E. Becnel, Jr., LA Bar #2929

Matthew B. Moreland, LA Bar #24567

Kevin P. Klibert, LA Bar #26954

LAW OFFICES OF DANIEL E. BECNEL, JR.

106 W. Seventh Street

Post Office Drawer H

Reserve, LA 70084

Telephone: (985) 536-1186

Facsimile: (985) 536-6445

Attorneys for Plaintiff Mary Cooley

Dated: 8/7/07

By: 

Stuart Gordon, Esq., CA Bar #37477

Embarcadero Center West

275 Battery Street 20th Floor

San Francisco, CA 94111

Telephone: (415) 986-5900

Facsimile: (415) 986-8054

Defendant's Liaison Counsel

PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS SO ORDERED.

Dated: Aug. 03, 2007

Honorable Charles Breyer
United States District Court

